

**REMARKS**

Reconsideration and allowance of this application is respectfully requested in view of the above amendment and the discussion below.

Claims 1 and 6-8 have been rejected under 35 USC 103 as unpatentable over Yamashita (US 6, 311,482 in view of Mori (US 6,334,306) while claim 5 is rejected under 35 USC 102 as anticipated by Nishikawa (JP 05-033705) and claim 4 is rejected over Nishikawa in view of Karlsson (US 6,041,593).

In response to these rejections Applicants have cancelled claims 1 and 4-8 and provided new claims 9-12 in order to more clearly define subject matter not shown, disclosed or made obvious by the references.

Yamashita concerns an air-fuel ration control device for an internal combustion engine and includes exhaust gas purifying catalysts mounted on the upstream and downstream sides of an exhaust passage of the engine, a fuel injector and an ECU. The ECU changes the air fuel ration to lean or rich modes by increasing or decreasing the quantity of fuel injected. In Yamashita the changeover between lean and rich is performed at an interval which includes a period during which the lean and rich components in the exhaust gas react with the upstream catalyst and another period subsequently during which an unreacted exhaust gas passes through the upstream catalyst. As indicated by the Examiner Yamashita fails to disclose HC purification.

Mori '306 disclosed a three-way catalytic converter 42 and a combined catalytic-hydrogen adsorbent arranged in an exhaust manifold. It is submitted that the basis for the apparatus of Mori is the use of exhaust gas purification system including both a three-way catalytic converter and the catalytic-hydrocarbon adsorbent. The intention of Mori is to purify the hydrocarbon desorbed from the catalytic-hydrocarbon adsorbent blown back to the three-way catalytic converter by pulsation of the exhaust gas. It is to be emphasized that the combination of the HC purifying catalyst of Mori is not obvious because there is not reason to add an HC purify catalyst of the type used in Mori because the use and operation of Mori does not lend itself to the same type and use in Yamashita. There is no indication how such as system could be combined except by hindsight reconstruction based on applicants specification. The combination would not seem to allow operation of Yamashita in its design conception.

Additionally claim 9 of the present invention recites the "adjusting of a temperature of said three way catalyst" and Yamashita fails to control the catalyst temperature in a positive manner.

It is noted that the subject matter of claims 4 and 5 which did not recite the HC adsorbent have been cancelled and that each of claims 9-12 recite the HC adsorbent. Accordingly the rejections of claims 4 and 5 have been obviated as the references to Nishikawa and Karlsson were not used in the rejection of claims other than claims 4 and 5. Additionally Nishikawa is discussed in the Background of the Present Invention at paragraph [0005] with the subsequent

paragraphs discussing how the present invention overcomes problems with prior art such as Nishikawa.

Therefore in view of the distinguishing features between the claimed invention, as defined by new claims 9-12, which features are not shown or disclosed or made obvious to one skilled in the art having the references of record before them, Applicants request that this application be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056207.51363C1).

Respectfully submitted,

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